

United States Senate

WASHINGTON, DC 20510

June 4, 2018

Charles Rivkin
Chairman and CEO
Motion Picture Association of America
1301 K St., N.W.
Washington, DC 20007

Dear Chairman Rivkin:

As you settle into your new role as Chairman and CEO of the Motion Picture Association of America (MPAA), we write to you about the important role the film industry plays in youth tobacco use and to urge additional actions to prevent youth smoking initiation.

For years, public health experts, state Attorneys General, federal government agencies, and Congress have raised concerns about the connection between smoking imagery in movies and youth smoking initiation, and have recommended that the film industry adopt responsible practices to limit youth exposure to smoking imagery in movies.

In 2012, the United States Surgeon General issued a report on preventing tobacco use among youth. This report found a “causal relationship between depictions of smoking in the movies and initiation among young people.”¹ The report further concluded that giving an R-rating to future movies depicting smoking would be expected to reduce the number of teen smokers by nearly one in five, preventing up to one million deaths from smoking among children alive today.^{2,3}

It is encouraging that, over the last decade, smoking imagery has declined in youth-rated movies. From 2002 to 2017, images of implied or actual tobacco use in youth films declined by 31 percent.⁴ Unfortunately, the problem is far from solved and recent data suggests we are losing some of the gains. Although tobacco impressions (implied or actual shots of tobacco use, multiplied by the number of paid admissions) in youth-rated movies declined from 18.2 billion in

¹ U.S. Department of Health and Human Services. *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health;2012.

² U.S. Department of Health and Human Services. *The health consequences of smoking – 50 years of progress: a report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health;2014.

³ Sargent JD, Tanski S, Stoolmiller M. Influence of motion picture rating on adolescent response to movie smoking. *Pediatrics*. 2012;130(2):228-236.

⁴ Polansky, J. R, Modisette, D., Garcia, C., & Glantz, S. A. (2018). Smoking in top-grossing US movies: 2017. UCSF: Center for Tobacco Control Research and Education. Retrieved from <https://escholarship.org/uc/item/5939j0kd>.

2002 to 2.9 billion in 2015, they have increased over the past two years to 4.6 billion in 2017.⁵ Had tobacco imagery reduction continued at its fastest rate, youth-rated movies would have been entirely smoke free by early 2015.

Although the evidence connecting smoking imagery to youth smoking initiation is strong, MPAA has yet to take meaningful action to discourage tobacco imagery in films or effectively warn viewers and parents of tobacco's presence in a movie. In 2007, after repeated requests from several state Attorneys General, MPAA commissioned a study from the Harvard School of Public Health on measures that could reduce youth exposure to smoking in movies. Among the recommendations generated by that study were that MPAA establish "a movie ratings policy that creates an incentive for filmmakers to consider, and worry about, the depiction of smoking as a factor in the determination of a film's rating."⁶ Instead, from 2007 to 2017, MPAA merely added small-print "smoking" labels to 11 percent of all top-grossing youth-rated films with smoking.⁷

MPAA plays an important role in establishing the motion picture industry's uniform treatment of the depiction of tobacco in films, given that the major movie studios have adopted disparate policies on tobacco in films, with mixed results.⁸ As recommended by the Surgeon General, one simple and straightforward way to address the film industry's inconsistent treatment of the persistent inclusion of tobacco use in films is to assign an R-rating to movies that depict smoking, except in circumstances where the consequences of tobacco use are clearly reflected or where a historical figure who actually smoked is portrayed.⁹

Our nation's dramatic decline in youth tobacco use is a tremendous achievement, but on-screen depictions remain a threat to this progress and threaten to re-normalize tobacco use in our society. We cannot afford to lose any ground in this area. Therefore, we respectfully request that, by June 22, 2018, MPAA provide written answers to the following questions:

1. What steps will MPAA take to ensure responsible and consistent practices and reduce tobacco depictions, including e-cigarette depictions, in youth-rated movies?
2. How will MPAA ensure uniform and consistent warnings for parents and viewers about tobacco depictions in youth-rated movies?
3. The 2007 recommendations in the Harvard School of Public Health report commissioned by MPAA suggest that it "take substantive and effective action to eliminate the depiction

⁵ *Ibid.*

⁶ Bloom BR, Samet JM, Winsten JA (2007). Presentations to the Motion Picture Association of America (MPAA) on smoking in the movies. Harvard T.H. Chan School of Public Health. Accessible at <https://www.hsph.harvard.edu/mpaa/>

⁷ Polansky, J. R, Modisette, D., Garcia, C., & Glantz, S. A. (2018). Smoking in top-grossing US movies: 2017. UCSF: Center for Tobacco Control Research and Education. Retrieved from <https://escholarship.org/uc/item/5939j0kd>.

⁸ University of California San Francisco, Smoke Free movies, Company Tobacco policies, <https://smokefreemovies.ucsf.edu/whos-accountable/company-policies> (last visited May 14, 2018)

⁹ University of California San Francisco. Policy Solutions. <https://smokefreemovies.ucsf.edu/policy-solutions>.

of tobacco smoking from films accessible to children and youths.”¹⁰ Please describe all actions MPAA has taken since 2007 to fulfill this recommendation.

4. Does MPAA support assigning an “R” rating to movies that depict smoking, except in circumstances where the consequences of tobacco use are clearly reflected or where a historical figure who actually smoked is portrayed? If not, why not?

Thank you for your prompt attention to this critical public health matter. Should you have any questions about this request, please contact Dr. Avenel Joseph of Senator Markey’s staff at 202-224-2742

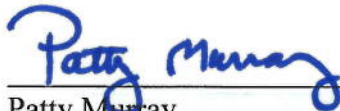
Sincerely,



Edward J. Markey
United States Senator



Richard J. Durbin
United States Senator



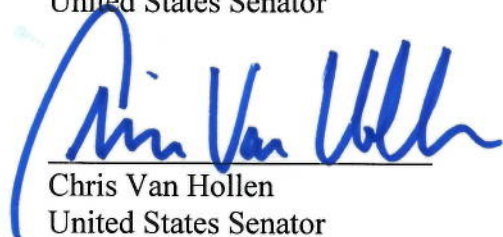
Patty Murray
United States Senator



Richard Blumenthal
United States Senator



Sherrod Brown
United States Senator



Chris Van Hollen
United States Senator



Kirsten Gillibrand
United States Senator

¹⁰ Bloom BR, Samet JM, Winsten JA (2007). Presentations to the Motion Picture Association of America (MPAA) on smoking in the movies. Harvard T.H. Chan School of Public Health. Accessible at <https://www.hsph.harvard.edu/mpaa/>